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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,	)	
	)	2:09-cr-222-HDM-PAL
Plaintiff,	)	
	)	
vs.	)	ORDER
	)	
ANTHONY SWANSON,	)	
	)	
Defendant.	)	
_____	)	

Before the court is the defendant's motion for appointment of counsel (#176).

There is no constitutional right to appointed counsel for discretionary, post-conviction appeals. *Pennsylvania v. Finley*, 481 U.S. 551, 555 (1987); *Sanchez v. United States*, 50 F.3d 1448, 1456 (9th Cir. 1995). The decision to appoint counsel is generally discretionary. *Chaney v. Lewis*, 801 F.2d 1191, 1196 (9th Cir. 1986), *cert. denied*, 481 U.S. 1023 (1987); *Bashor v. Risley*, 730

1 F.2d 1228, 1234 (9th Cir. 1984), *cert. denied*, 469 U.S. 838 (1984).  
2 However, the court must appoint counsel where the complexities of  
3 the case are such that denial of counsel would amount to a denial  
4 of due process. *Chaney*, 801 F.2d at 1196.

5 Defendant contends that the court should appoint counsel  
6 because the issues in this case are complex and he is unable to  
7 adequately present the claims without assistance of counsel. After  
8 reviewing the application, the court finds that, at this time, the  
9 issues raised are not complex. Further, the defendant has resources  
10 available to him so that he may adequately present his claims.

11 It is therefore ordered that the defendant's ex parte motion  
12 for appointment of counsel (#176) is denied without prejudice to  
13 renew.

14  
15 **IT IS SO ORDERED.**

16 DATED: This 21st day of February, 2013.

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18 UNITED STATES DISTRICT JUDGE  
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